



PUBLIC NOTICE

Federal Communications Commission
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DA 07-1242
March 12, 2007

**PARTIES ASKED TO REFRESH RECORD REGARDING ORDER
DESIGNATING ISSUES FOR INVESTIGATION REGARDING GTE SALE OF
SEVERAL LOCAL EXCHANGE PROPERTIES**

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-5; Transmittal Nos. 963, 146

COMMENTS DUE: April 11, 2007

REPLY COMMENTS DUE: April 26, 2007

The Wireline Competition Bureau (the Bureau) invites interested parties to update the record pertaining to the Order Designating Issues for Investigation regarding GTE's 1995 Annual Access filing (Designation Order), in which the Bureau concluded that the exogenous cost adjustments to its price cap indexes that GTE proposed to reflect the sale of several local exchange properties warranted further investigation.¹ The Designation Order requests information regarding the method that should be used to determine exogenous adjustments to a carrier's price cap index (PCI) following the sale of a local exchange, and whether GTE's exogenous cost adjustments were adequately supported.

Since the Designation Order was released, carriers have sold multiple local exchanges and made corresponding adjustments to their PCIs. As a result, the record in this proceeding may not contain the most comprehensive and recent information available to address the issues the Bureau cited in the Designation Orders. Moreover, it may be that the designated issues have become moot or outdated. For these reasons, the Bureau requests that parties refresh the record with any new information or arguments that may be relevant to the issues the Bureau designated. Specifically, the Bureau is interested in how carriers have made exogenous cost adjustments to their PCIs for the sale of local exchanges that occurred subsequent to 1995, and whether a dispute still exists over the appropriate methodology that should be used. In addition, the Bureau is interested as to whether carriers make upward as well as downward exogenous adjustments to their PCIs and any explanation as to why carriers would not or should not make upward adjustments. The refreshed record will enable the Commission to undertake appropriate action to resolve the Designation Order.

¹ 1995 *Annual Access Tariffs, GTE Telephone Operating Companies, GTE System Telephone Operating Companies*, Order Designating Issues for Investigation, CC Docket No. 96-5, Transmittal Nos. 963, 146 (CCB rel. Jan. 23, 1996). The Common Carrier Bureau became the Wireline Competition Bureau in 2002 as part of organizational changes at the Commission. See generally *Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau*, Order, 17 FCC Rcd 4672 (2002).

Interested parties may file comments refreshing the record on or before **April 11, 2007**, and reply comments on or before **April 26, 2007**. All pleadings are to reference **CC Docket No. 96-5**. All pleadings may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.² For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW, Washington, D.C. 20554. Parties should also send a copy of their filings to Pamela Arluk, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5-A131, 445 12th Street, SW, Washington, D.C. 20554, or by e-mail to pamela.arluk@fcc.gov. Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

The original designation order and comments filed by the parties in CC Docket Nos. 96-5 are

²See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW., Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. These documents may also be viewed on the Commission's website at <http://www.fcc.gov/cgb/ecfs>.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.³ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁴ Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.⁵

For further information, contact Pamela Arluk of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520.

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³ 47 C.F.R. § 1.1200 *et seq.*

⁴ *See* 47 C.F.R. § 1.1206(b)(2).

⁵ 47 C.F.R. § 1.1206(b).